

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 8003

October 19, 2021

**SUMMARY OF ORIGINAL BILL:** Prohibits the reduction or denial of unemployment benefits to an eligible claimant that leaves employment for refusing to receive an immunization or vaccination for COVID-19. Clarifies that a claimant leaving employment for refusal of a COVID-19 vaccination will not be rendered ineligible for leaving work without good cause.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (009987):** Adds language to the original bill that specifies that an individual on unpaid leave for refusal of a COVID-19 vaccination is considered “unemployed” for purposes regarding unemployment benefit eligibility.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- According to the Department of Labor and Workforce Development (DLWD), “If an employer adds a new requirement for continuing employment that current employees must be vaccinated against COVID-19, and an employee refuses to be vaccinated against COVID-19 or refuses a COVID-19 booster resulting in the employer discharging the employee who refuses to be vaccinated against COVID-19 or refuses a COVID-19 booster, Tennessee’s current position is that the employer has substantially changed the terms of the hiring agreement. Therefore, the employee’s refusal to be vaccinated against COVID-19 and/or receive a booster is not, standing alone, misconduct under T.C.A. § 50-7-303 which would disqualify a claimant from unemployment compensation benefits.”
- The proposed legislation codifies current practice pertaining to employees leaving current employment and would not cause a significant increase in state expenditures from the Unemployment Insurance Trust Fund.
- According to DLWD, “if the employee accepts an offer of new employment, on the condition that the employee must be vaccinated against COVID-19, and an employee

refuses to be vaccinated against COVID-19 or refuses a COVID-19 booster resulting in the employer discharging the employee who refuses to be vaccinated against COVID-19 or refuses a COVID-19 booster, the employee's refusal may be considered, misconduct under T.C.A. § 50-7-303 which would disqualify a claimant from unemployment compensation benefits.”

- Pursuant to Tenn. Code Ann. § 50-7-303(a)(1)(A)(i), a claimant for unemployment benefits is disqualified if the claimant left work voluntarily without good cause.
- The proposed legislation states that the “good cause” disqualification does not apply to a claimant leaving employment for refusal of a COVID-19 vaccine.
- It is unknown if, under the proposed legislation, an employee who accepts an offer of new employment on the condition that the employee be vaccinated against COVID-19, then subsequently refuses the vaccine, would be eligible for unemployment benefits. Such instances, if any, are not estimated to result in any significant increase in state expenditures from the Unemployment Insurance Trust Fund.
- Any increase in claimants receiving benefits by including individuals on unpaid leave for refusal of a COVID-19 vaccination as “unemployed” for purposes regarding unemployment benefit eligibility is estimated to be minimal.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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